IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1983 of 2005

Between:

Hanmanthu, S/o. Narasaiah,
R/o. Bapanpally Village, Damangidda Mandal,

Mahabubnagar District.

... PETITIONER

AND

The Prohibition & Excise Superintendent,

Mahabubnagar District, Mahabubnagar.

....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Proceedings in Rc.No. B4/1043/2004, dated 10-5-2004 issued by the Prohibition and Excise Superintendent, Mahabubnagar-Respondent suspending my licence bearing No. 46, Dated 20-4-2002 for counter No. 3, of the T.F.T. Toddy Shop, Bapanpally Village, Damangidda Mandal, Mahabubnagar District of the petitioner, as arbitrary, illegal, contrary to the principles of natural just and contrary to provision to S.31(1) of the A.P. Excise Act, 1968, and consequently set aside the same by directing the Respondent to forthwith revoke the licence bearing No. 46, dated 20-4-2002 for counter No. 3, of the T.F.T. Toddy Shop, Bapampally Village, Damargidda Mandal, Mahabubnagar District of the petitioner.

Counsel for the Petitioner:MR.K.VENKATESH GUPTA

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

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O R D E R:

The petitioner is a TFT licensee of a shop at Bapanpally village, Damargidda Mandal of Mahabubnagar District. The licence was suspended on 10.05.2004, alleging that the sample of toddy taken out from his shop was found to be adulterated. The grievance of the petitioner is that though nearly three years elapsed, the enquiry was not concluded and he is put to hardship.

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise.

The licence of the petitioner was kept under suspension, pending enquiry. By its very nature, such suspension has to be only for a limited period and the enquiry has to be initiated and concluded, at the earliest possible time. Indefinite continuance of such suspension becomes a substantial penalty by itself. There does not exist any basis or justification for the respondent in continuing the suspension and proceedings, for such a long time.

Hence, the writ petition is disposed of, directing that the respondent shall conclude the proceedings initiated against the petitioner, within six weeks from today. In default, the suspension ordered against the petitioner shall cease to be operative and the petitioner shall be entitled to continue the business. There shall be no order as to costs.

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14th February 2005

Note: Issue copy in one week.

(B/o)

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To

1 The Prohibition & Excise Superintendent,

Mahabubnagar District, Mahabubnagar.

2 Two C.Cs. to the Govt. Pleader for Proh. & Excise,

High Court buildings, Hyderabad (OUT)

3 Two C.D.copies